

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 671

Introduced by Landis, 46

Read first time January 19, 2005

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to counties; to amend sections 23-2517 to
2 23-2520, 23-2522, 23-2524 to 23-2527, 23-2531, and
3 23-2533, Reissue Revised Statutes of Nebraska; to name
4 the County Civil Service Act; to provide personnel
5 policies for transferring employees from the state or
6 another political subdivision to a county when requested
7 by the county; to harmonize provisions; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 23-2517, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 23-2517. (1) Sections 23-2517 to 23-2533 and sections 3
4 to 6 of this act shall be known and may be cited as the County
5 Civil Service Act.

6 (2) The general purpose of sections 23-2517 to 23-2533
7 the County Civil Service Act is to establish a system of personnel
8 administration that meets the social, economic, and program needs
9 of county offices. This system shall provide means to recruit,
10 select, develop and maintain an effective and responsive work
11 force, and shall include policies and procedures for employee
12 hiring and advancement, training and career development, position
13 classification, salary administration, fringe benefits, discharge
14 and other related activities. All appointments and promotions
15 under the ~~provisions of sections 23-2517 to 23-2533~~ County Civil
16 Service Act shall be made based on merit and fitness.

17 Sec. 2. Section 23-2518, Revised Statutes Supplement,
18 2004, is amended to read:

19 23-2518. For purposes of ~~sections 23-2517 to 23-2533,~~
20 ~~unless the context otherwise requires~~ the County Civil Service Act:

21 (1) Appointing authority ~~shall mean~~ means elected
22 officials and appointed department directors authorized to make
23 appointments in the county service;

24 (2) Board of county commissioners ~~shall mean~~ means the
25 board of commissioners of any county with a population of one
26 hundred fifty thousand to three hundred thousand inhabitants;

27 (3) Classified service ~~shall mean~~ means the positions in
28 the county service to which ~~sections 23-2517 to 23-2533 apply the~~

1 act applies;

2 (4) County personnel officer ~~shall mean~~ means the
3 employee designated by the board of county commissioners to
4 administer ~~sections 23-2517 to 23-2533~~ the act;

5 (5) Department ~~shall mean a major~~ means a functional unit
6 of the county government headed by an elected official or
7 established by the board of county commissioners;

8 (6) Deputy ~~shall mean~~ means an individual who serves as
9 the first assistant to and at the pleasure of an elected official;
10 and

11 (7) Elected official ~~shall mean~~ means an officer elected
12 by the popular vote of the people and known as the county attorney,
13 public defender, county sheriff, county treasurer, clerk of the
14 district court, register of deeds, county clerk, county assessor,
15 and county surveyor;

16 (8) Internal Revenue Code means the Internal Revenue Code
17 as defined in section 49-801.01;

18 (9) Political subdivision means a village, city of the
19 second class, city of the first class, city of the primary class,
20 city of the metropolitan class, county, school district, public
21 power district, or any other unit of local government including
22 entities created pursuant to the Interlocal Cooperation Act or the
23 Joint Public Agency Act. Political subdivision does not include a
24 contractor with the county;

25 (10) State means the State of Nebraska;

26 (11) Straight-time rate of pay means the rate of pay in
27 effect on the date of transfer of employees stated in the
28 resolution by the county board requesting the transfer; and

1 (12) Transferred employee means an employee of the state
2 or a political subdivision transferred to the county pursuant to a
3 request for such transfer made by the county under section 3 of
4 this act.

5 Sec. 3. (1) The board of county commissioners subject to
6 the County Civil Service Act may, by resolution, request that a
7 state or political subdivision transfer employees to the county (a)
8 if the board of county commissioners finds that direct control over
9 such employees will be of benefit to the county, (b) pursuant to a
10 merger of services, or (c) due to the assumption of functions of
11 the state or a political subdivision by the county. Such
12 resolution shall state an effective date for the transfer of such
13 employees. If the state or political subdivision determines that
14 the transfer of its employees is necessary or desirable and
15 approves the county boards request, the employees who are being
16 transferred shall become county employees on the effective date of
17 the transfer as stated in the resolution of the board of county
18 commissioners requesting such transfer.

19 (2) No state employee subject to a transfer under
20 subsection (1) of this section is required to become a county
21 employee and may instead exercise all of his or her rights under
22 any contract involving state employees and negotiated pursuant to
23 the Industrial Relations Act and the State Employees Collective
24 Bargaining Act.

25 Sec. 4. (1) For transfers involving a retirement system
26 which maintains a defined benefit plan, the transfer value of the
27 transferring employee's accrued benefit shall be calculated by one
28 or both of the retirement systems involved as follows:

1 (a) If the retirement system of the state or political
2 subdivision maintains a defined benefit plan, an initial benefit
3 transfer value of the employee's accrued benefit shall be
4 determined by calculating the present value of the employee's
5 retirement benefit based on the employee's years of service as of
6 the date of transfer and the other actuarial assumptions of the
7 retirement system of the state or political subdivision so that the
8 effect on the retirement system of the state or political
9 subdivision will be actuarially neutral; and

10 (b) If the retirement system of the county maintains a
11 defined benefit plan, the final benefit transfer value of the
12 employee's accrued benefit shall be determined by calculating the
13 present value of the employee's retirement benefit as if the
14 employee were employed on the date of transfer and had completed
15 the same amount of service with the same compensation as the
16 employee actually completed at the state or political subdivision
17 prior to transfer. The calculation shall then be based on the
18 employee's assumed years of service as of the date of transfer and
19 the other actuarial assumptions of the retirement system of the
20 county so that the effect on the retirement system of the county
21 will be actuarially neutral.

22 (2) An employee of the state or a political subdivision
23 who transfers from a position in the state or a political
24 subdivision to a position in the county, and whose customary
25 employment with the state or a political subdivision was for more
26 than twenty hours per week shall receive credit for his or her
27 years of participation in the retirement system of the state or
28 political subdivision for purposes of membership in the retirement

1 system or the county.

2 (3) An employee referred to in subsection (2) of this
3 section shall have his or her participation in the retirement
4 system of the state or political subdivision transferred to the
5 retirement system of the county through one of the following
6 options:

7 (a) If the retirement system of the county maintains a
8 defined contribution plan, the employee shall transfer all of his
9 or her funds by paying to the retirement system of the county from
10 funds held by the retirement system of the state or political
11 subdivision an amount equal to one of the following: (i) If the
12 retirement system of the state or political subdivision maintains a
13 defined benefit plan, an amount not to exceed the initial benefit
14 transfer value, leaving no funds attributable to the transferred
15 employee within the retirement system of the state or political
16 subdivision; or (ii) if the retirement system of the state or
17 political subdivision maintains a defined contribution plan, an
18 amount not to exceed the employee and employer accounts of the
19 transferring employee plus earnings during the period of employment
20 with the state or political subdivision. The employee shall
21 receive eligibility and vesting credit for his or her years of
22 service in a governmental plan, as defined in section 414(d) of the
23 Internal Revenue Code, maintained by the state or political
24 subdivision. Payment shall be made within five years after
25 employment begins with the receiving entity or prior to retirement
26 whichever comes first, and may be made through direct payment,
27 installment payments, or an irrevocable payroll deduction
28 authorization; or

1 (b) If the retirement system of the county maintains a
2 defined benefit plan, the employee shall transfer all of his or her
3 funds out of the retirement system of the state or political
4 subdivision to purchase service credits that will generate a final
5 benefit transfer value not to exceed the employee's initial benefit
6 transfer value in the retirement system of the state or political
7 subdivision. After such purchase, the employee shall receive
8 eligibility and vesting credit in the retirement system of the
9 county for his or her years of service in a governmental plan, as
10 defined in section 414(d) of the Internal Revenue Code, maintained
11 by the state or political subdivision. The amount to be paid by
12 the member for such service credit shall equal the actuarial cost
13 to the retirement system of the county for allowing such additional
14 service credit to the employee. If any funds remain in the
15 retirement system of the state or political subdivision after the
16 employee has purchased service credits in the retirement system of
17 the county, such remaining funds shall be rolled over into another
18 qualified trust under section 401(a) of the Internal Revenue Code,
19 an individual retirement account, or an individual retirement
20 annuity. Payment shall be made within five years after the
21 transfer of services, but prior to retirement, and may be made
22 through direct payment, installment payments, or an irrevocable
23 payroll deduction authorization.

24 (4) The state or political subdivision, the county, and
25 the employees who are being transferred may by binding agreement
26 determine which parties will provide funds to pay any amount needed
27 to purchase creditable service in the retirement system of the
28 county sufficient to provide a final benefit transfer value not to

1 exceed the employee's initial benefit transfer value, if the amount
2 of a direct rollover from the retirement system of the state or
3 political subdivision is not sufficient to provide a final benefit
4 transfer value in the retirement system of the county.

5 (5) The retirement system of the county may accept cash
6 rollover contributions from a member who is making payment pursuant
7 to this section if the contributions do not exceed the amount of
8 payment required for the service credits purchased by the member
9 and the contributions represent (a) all or any portion of the
10 balance of the member's interest in a qualified trust under section
11 401(a) of the Internal Revenue Code or (b) the interest of the
12 member from an individual retirement account or an individual
13 retirement annuity, all of which is attributable to a qualified
14 total distribution, as defined in the Internal Revenue Code, from a
15 qualified trust under section 401(a) of the code and qualified as a
16 tax-free rollover amount. The member's interest under subdivision
17 (a) or (b) of this subsection shall be transferred to the
18 retirement system within sixty days after the date of the
19 distribution from the qualified trust, individual retirement
20 account, or individual retirement annuity.

21 (6) Cash transferred to the retirement system of the
22 county as a rollover contribution shall be deposited as other
23 contributions.

24 (7) The retirement system of the county may accept direct
25 rollover distributions made from a qualified trust pursuant to
26 section 401(a)(31) of the Internal Revenue Code. The direct
27 rollover distribution shall be deposited as all other payments
28 under this section.

1 (8) The county or its retirement system shall adopt
2 provisions defining procedures for acceptance of rollovers which
3 are consistent with sections 401(a)(31) and 402 of the Internal
4 Revenue Code.

5 Sec. 5. (1) The state or a political subdivision shall
6 transfer all accrued sick leave of the transferred employee up to
7 the maximum number of accumulated hours for sick leave allowed by
8 the county personnel system. The state or political subdivision
9 shall reimburse the county for twenty-five percent of the value of
10 the accrued sick leave hours based on the straight-time rate of pay
11 for the employee.

12 (2) The transferred employee may transfer the maximum
13 amount of accrued annual leave earned as an employee of the state
14 or a political subdivision allowed by the county personnel system.
15 The state or a political subdivision shall reimburse the county for
16 one hundred percent of the value of the hours of accrued annual
17 leave transferred.

18 (3) No transferred employee shall lose any accrual rate
19 value of his or her sick leave and vacation leave as a result of
20 becoming a county employee, and a transferred employee may credit
21 years of service with the state or a political subdivision toward
22 the accrual rate for sick leave and vacation leave plans. When
23 accrued sick leave and vacation leave for a transferred employee
24 are at a greater rate value than allowed by the county's sick leave
25 and vacation leave plans, the state or political subdivision shall
26 pay the county the difference between the value of the benefits
27 allowed by the county and the state or political subdivision based
28 on, at the time of the transfer, twenty-five percent of the

1 employee's straight-time rate of pay for the sick leave and one
2 hundred percent of the employee's straight-time rate of pay for
3 vacation leave. A state or political subdivision shall reimburse
4 the county not later than one year after the transfer is complete.

5 (4) The transferred employee shall not receive any
6 additional accrual rate value for county benefits until the
7 employee meets the qualifications for the increased accrual rates
8 pursuant to the county's requirements.

9 (5) The transferred employee shall receive credit for
10 time of service with the state or a political subdivision toward
11 participation, coverage by insurance programs for the county, and
12 the waiting period for medical insurance coverage provided by the
13 county.

14 Sec. 6. (1) A transferred employee shall be credited for
15 time of service with the state or a political subdivision toward
16 the probationary period in the county:

17 (a) A transferred employee whose credited time of service
18 with the state or a political subdivision does not satisfy the
19 county's probationary period time requirement shall be a
20 probationary employee of the county and afforded the same rights,
21 benefits, and privileges as are afforded to a probationary employee
22 under the county personnel system; and

23 (b) A transferred employee whose credited time of service
24 with the state or a political subdivision does not satisfy the
25 county's probationary period time requirement shall successfully
26 complete the remainder of the county's probationary period time
27 requirement before being given status with the county.

28 (2) Transferred employees shall retain seniority

1 accumulated during service with the state or a political
2 subdivision, and no transferred employee shall lose accumulated
3 seniority as a result of becoming a county employee.

4 Sec. 7. Section 23-2519, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 23-2519. The county service shall be divided into the
7 classified service and the unclassified service. All officers and
8 positions of the county shall be in the classified service unless
9 specifically designated as being in the unclassified service
10 established by ~~sections 23-2517 to 23-2533~~ the County Civil Service
11 Act. All county employees who have permanent status under any
12 other act prior to the passage of ~~sections 23-2517 to 23-2533~~ the
13 act shall have status under ~~such sections~~ the act without further
14 qualification. Positions in the unclassified service shall not be
15 governed by ~~such sections~~ the act and shall include the following:

16 (1) County officers elected by popular vote and persons
17 appointed to fill vacancies in such elective offices;

18 (2) The county personnel officer and the administrative
19 assistant to the board of county commissioners;

20 (3) Bailiffs;

21 (4) Department heads and one principal assistant or chief
22 deputy for each county department. When more than one principal
23 assistant or chief deputy is mandated by law, all such positions
24 shall be in the unclassified service;

25 (5) Members of boards and commissions appointed by the
26 board of county commissioners;

27 (6) Persons employed in a professional or scientific
28 capacity to make or conduct a temporary and special investigation

- 1 or examination on behalf of the board of county commissioners;
- 2 (7) Attorneys;
- 3 (8) Physicians;
- 4 (9) Employees of an emergency management organization;
- 5 and
- 6 (10) Deputy sheriffs.

7 Nothing in ~~such sections~~ the act shall be construed as

8 precluding the appointing authority from filling any positions in

9 the unclassified service in the manner in which positions in the

10 classified service are filled.

11 Sec. 8. Section 23-2520, Reissue Revised Statutes of

12 Nebraska, is amended to read:

13 23-2520. There is hereby created a personnel office in

14 the office of the board of county commissioners, the executive head

15 of which shall be the county personnel officer. In such office

16 there shall be a personnel policy board consisting of six members

17 with powers and duties provided in ~~sections 23-2517 to 23-2533~~ the

18 County Civil Service Act. The board of county commissioners shall

19 make appropriations from the general fund to meet the estimated

20 costs of administering ~~sections 23-2517 to 23-2533~~ the act.

21 Sec. 9. Section 23-2522, Reissue Revised Statutes of

22 Nebraska, is amended to read:

23 23-2522. The powers and duties of the personnel policy

24 board shall be:

- 25 (1) To review and make recommendations to the board of
- 26 county commissioners on the personnel rules and regulations and any
- 27 amendments thereto prior to the approval by the commissioners;
- 28 (2) To advise and assist the personnel officer on matters

1 of personnel policy, administration, and practice;

2 (3) To cooperate with and advise the personnel officer in
3 fostering interest and cooperation of institutions of learning and
4 civic, professional, and employee organizations in the improvement
5 of personnel standards and the development of high public regard
6 for the county as an employer and for careers in the county
7 service;

8 (4) To require the personnel officer to make or to make
9 on its own initiative any investigation which it may consider
10 necessary concerning the management of personnel in the county
11 service;

12 (5) To review any grievance or case of disciplinary
13 action of a classified service employee when appealed by such
14 employee in accordance with approved personnel rules and
15 regulations and issue a determination that is binding on all
16 parties concerned;

17 (6) To issue subpoenas to compel the attendance of county
18 employees as witnesses and the production of documents and to
19 administer oaths, take testimony, hear proofs, and receive exhibits
20 in evidence in connection with any of the powers and duties of such
21 board. In case of a refusal to obey a subpoena issued to any
22 county employee, the personnel policy board on its own motion, or a
23 party to the proceedings, may make application to the district
24 court of Lancaster County for an enforcement order, and any failure
25 to obey such order may be punished by such court as contempt
26 thereof;

27 (7) To make annual reports and recommendations to the
28 board of county commissioners; and

1 (8) To perform such other duties as may be expressly set
2 forth in ~~sections 23-2517 to 23-2533~~ the County Civil Service Act
3 and in the regulations adopted pursuant thereto.

4 Sec. 10. Section 23-2524, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 23-2524. In addition to other duties imposed upon him or
7 her by or pursuant to ~~sections 23-2517 to 23-2533~~ the County Civil
8 Service Act, it shall be the duty of the county personnel officer:

9 (1) To apply and carry out the ~~provisions of sections~~
10 ~~23-2517 to 23-2533~~ act and the rules and regulations adopted
11 thereunder;

12 (2) To attend meetings of the personnel policy board and
13 to act as its secretary and keep minutes of its proceedings;

14 (3) To establish and maintain a roster of all employees
15 in the classified service, in which there shall be set forth as to
16 each employee the class title, pay, or status, and other pertinent
17 data;

18 (4) To appoint such employees of his or her office and
19 such experts and special assistants as may be necessary to carry
20 out effectively the ~~provisions of sections 23-2517 to 23-2533~~ act;

21 (5) To foster and develop, in cooperation with appointing
22 authorities and others, programs for the improvement of employee
23 effectiveness, including training, safety, health, counseling, and
24 welfare;

25 (6) To encourage and exercise leadership in the
26 development of effective personnel administration with the several
27 county agencies, departments, and institutions; and

28 (7) To perform such other lawful acts as he or she may

1 consider necessary or desirable to carry out the purposes and
2 provisions of ~~sections 23-2517 to 23-2533~~ the act.

3 Sec. 11. Section 23-2525, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 23-2525. The county personnel officer shall, with the
6 assistance of two advisory groups, one of classified employees and
7 one of department heads, prepare and submit to the personnel policy
8 board proposed personnel rules and regulations for the classified
9 service. He or she shall give reasonable notice thereof to the
10 heads of all agencies, departments, county employee associations,
11 and institutions affected thereby, and they shall be given an
12 opportunity, upon request, to appear before the board and present
13 their views thereon. The personnel policy board shall submit the
14 rules and regulations for adoption or amendment and adoption by
15 resolution of the board of county commissioners. Amendments
16 thereto shall be made in the same manner. The rules and
17 regulations shall provide:

18 (1) For a single integrated classification plan covering
19 all positions in the county service except those expressly exempt
20 from the ~~provisions of sections 23-2517 to 23-2533~~ County Civil
21 Service Act, which shall group all positions into defined classes
22 containing a descriptive class title and a code identifying each
23 class, and which shall be based on similarity of duties performed
24 and responsibilities assumed, so that the same qualifications may
25 reasonably be required and the same schedule of pay may be
26 equitably applied to all positions in the same class. After the
27 classification plan has been approved by the personnel policy
28 board, the county personnel officer shall be responsible for the

1 administration and maintenance of the plan and for the allocation
2 of each classified position. Any employee affected by the
3 allocation of a position to a class shall, upon request, be given a
4 reasonable opportunity to be heard thereon by the personnel policy
5 board who shall issue an advisory opinion to the personnel officer;

6 (2) For a compensation plan for all employees in the
7 classified service, comprising salary schedules, hours of work,
8 premium payments, special allowances, and fringe benefits,
9 considering the amount of money available, the prevailing rates of
10 pay in government and private employment, the cost of living, the
11 level of each class of position in the classification plan, and
12 other relevant factors. Initial, intervening, and maximum rates of
13 pay for each class shall be established to provide for steps in
14 salary advancement without change of duty in recognition of
15 demonstrated quality and length of service. The compensation plan
16 and amendments thereto shall be adopted in the manner prescribed
17 for rules and regulations and shall in no way limit the authority
18 of the board of county commissioners relative to appropriations for
19 salary and wage expenditures;

20 (3) For open competitive examinations to test the
21 relative fitness of applicants for the respective positions.
22 Competitive examination shall not be required for transferred
23 employees transferring from positions in the state or a political
24 subdivision to positions in the county pursuant to a merger of
25 services or transferred employees transferring from positions in
26 the state or a political subdivision to positions in the county due
27 to the assumption of functions of the state or a political
28 subdivision by the county. The rules and regulations shall provide

1 for the public announcement of the holding of examinations and
2 shall authorize the personnel officer to prescribe examination
3 procedures and to place the names of successful candidates on
4 eligible lists in accordance with their respective ratings.
5 Examinations may be assembled or unassembled and may include
6 various job-related examining techniques, such as rating training
7 and experience, written tests, oral interviews, recognition of
8 professional licensing, performance tests, investigations, and any
9 other measures of ability to perform the duties of the position.
10 Examinations shall be scored objectively and employment registers
11 shall be established in the order of final score. Certification of
12 eligibility for appointment to vacancies shall be in accordance
13 with a formula which limits selection by the hiring department from
14 among the highest ranking available and eligible candidates, but
15 which also permits selective certification under appropriate
16 conditions as prescribed in the rules and regulations;

17 (4) For promotions which shall give appropriate
18 consideration to examinations and to record of performance,
19 seniority and conduct. Vacancies shall be filled by promotion
20 whenever practicable and in the best interest of the service, and
21 preference may be given to employees within the department in which
22 the vacancy occurs;

23 (5) For the rejection of candidates who fail to comply
24 with reasonable requirements of the personnel officer in regard to
25 such factors as physical conditions, training and experience or who
26 have been guilty of infamous or disgraceful conduct, who are
27 addicted to alcohol or narcotics, or who have attempted any
28 deception or fraud in connection with an examination;

1 (6) Prohibiting disqualification of any person from
2 taking an examination, from promotion or from holding a position
3 because of race, sex, ~~except where~~ unless it constitutes a bona
4 fide occupational qualification, or national origin, physical
5 disabilities, age, political or religious opinions or affiliations,
6 or other factors which have no bearing upon the individual's
7 fitness to hold the position;

8 (7) For a period of probation not to exceed one year
9 before appointment or promotion may be made complete, and during
10 which period a probationer may be separated from his position
11 without the right of appeal or hearing except as provided in
12 section 23-2531. After a probationer has been separated, he or she
13 may again be placed on the eligible list at the discretion of the
14 personnel officer. The rules shall provide that a probationer
15 shall be dropped from the payroll at the expiration of his
16 probationary period if, within ten days prior thereto, the
17 appointing authority has notified the personnel officer in writing
18 that the services of the employee have been unsatisfactory;

19 (8) When an employee has been promoted but fails to
20 satisfactorily perform the duties of the new position during the
21 probationary period, he or she shall be returned to a position
22 comparable to that held immediately prior to promotion at the
23 current salary of such position;

24 (9) For temporary or seasonal appointments of limited
25 terms of not to exceed one year;

26 (10) For part-time appointment where the employee accrues
27 benefits of full-time employment on a basis proportional to the
28 time worked;

1 (11) For emergency employment for not more than thirty
2 days with or without examination, with the consent of the county
3 personnel officer and department head;

4 (12) For provisional employment without competitive
5 examination when there is no appropriate eligible list available.
6 No such provisional employment shall continue longer than six
7 months, nor shall successive provisional appointments be allowed;

8 (13) For transfer from a position in one department to a
9 similar position in another department involving similar
10 qualifications, duties, responsibilities, and salary ranges;

11 (14) For the transfer of employees of the state or a
12 political subdivision to the county pursuant to a merger of
13 services or due to the assumption of functions of the state or a
14 political subdivision by the county;

15 (15) For layoff by reason of lack of funds or work or
16 abolition of the position, or material change in duties or
17 organization, for the layoff of nontenured employees first, and for
18 reemployment of permanent employees so laid off, giving
19 consideration in both layoff and reemployment to performance record
20 and seniority in service;

21 ~~(15)~~ (16) For establishment of a plan for resolving
22 employee grievances and complaints;

23 ~~(16)~~ (17) For hours of work, holidays and attendance
24 regulations in the various classes of positions in the classified
25 service, and for annual, sick, and special leaves of absence, with
26 or without pay, or at reduced pay;

27 ~~(17)~~ (18) For the development of employee morale, safety
28 and training programs;

1 ~~(18)~~ (19) For a procedure whereby an appointing authority
2 may suspend, reduce, demote, or dismiss an employee for misconduct,
3 inefficiency, incompetence, insubordination, malfeasance, or other
4 unfitness to render effective service and for the investigation and
5 public hearing of appeals of such suspended, reduced, demoted, or
6 dismissed employee;

7 ~~(19)~~ (20) For granting of leave without pay to a
8 permanent employee to accept a position in the unclassified
9 service, and for his or her return to a position comparable to that
10 formerly held in the classified service at the conclusion of such
11 service;

12 ~~(20)~~ (21) For regulation covering political activity of
13 employees in the classified service; and

14 ~~(21)~~ (22) For other regulations not inconsistent with
15 ~~sections 23-2517 to 23-2533~~ the act and which may be necessary for
16 its effective implementation.

17 Sec. 12. Section 23-2526, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 23-2526. (1) No county personnel, or fiscal or other
20 officer shall make or approve or take any part in making or
21 approving any payment for personal service to any person holding a
22 position in the classified service unless the payroll voucher or
23 account of such pay bears the certification of the county personnel
24 officer or his or her authorized agent, in the manner he or she may
25 prescribe, that the persons named therein have been appointed and
26 employed in accordance with the ~~provisions of sections 23-2517 to~~
27 ~~23-2533~~ County Civil Service Act and the rules and regulations
28 adopted hereunder.

1 (2) The county personnel officer may, for proper cause,
2 withhold certification from a payroll any specific item or items
3 thereon. The personnel officer shall provide that certification of
4 payrolls be made each year and that such certification shall remain
5 in effect except in the case of an officer or employee whose status
6 has changed after the last certification of his or her payroll, in
7 which case no voucher for payment of salary to such officer or
8 employee shall be issued or payment of salary made without further
9 certification by the personnel officer.

10 Sec. 13. Section 23-2527, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 23-2527. (1) Any county subject to ~~sections 23-2517 to~~
13 ~~23-2533~~ the County Civil Service Act may enter into reciprocal
14 agreements, upon such terms as may be agreed upon, for the use of
15 equipment, materials, facilities, and services with any public
16 agency or body for purposes deemed of benefit to the county
17 personnel system.

18 (2) The county personnel officer, with the approval of
19 the board of county commissioners, may cooperate with other
20 governmental agencies charged with public personnel administration
21 in conducting personnel tests, recruiting personnel, training
22 personnel, establishing lists from which eligible candidates shall
23 be certified for appointment and for the interchange of personnel
24 and their benefits.

25 Sec. 14. Section 23-2531, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 23-2531. (1) Discrimination against any person in
28 recruitment, examination, appointment, training, promotion,

1 retention, discipline, or any other aspect of personnel
2 administration because of political or religious opinions or
3 affiliations or because of race, national origin, or other nonmerit
4 factors shall be prohibited. Discrimination on the basis of age or
5 sex or physical disability shall be prohibited ~~except where~~ unless
6 specific age, sex, or physical requirements constitute a bona fide
7 occupational qualification necessary to proper and efficient
8 administration. The rules and regulations shall provide for
9 appeals in cases of alleged discrimination to the personnel policy
10 board whose determination shall be binding upon a finding of
11 discrimination.

12 (2) No person shall make any false statement,
13 certificate, mark, rating, or report with regard to any test,
14 certification, or appointment made under ~~any provision of sections~~
15 ~~23-2517 to 23-2533~~ the County Civil Service Act or in any manner
16 commit or attempt to commit any fraud preventing the impartial
17 execution of ~~sections 23-2517 to 23-2533~~ the act and the rules and
18 regulations promulgated pursuant to ~~sections 23-2517 to 23-2533~~ the
19 act.

20 (3) No person shall, directly or indirectly, give,
21 render, pay, offer, solicit, or accept any money, service or other
22 valuable consideration for or on account of any appointment,
23 proposed appointment, promotion, or proposed promotion to, or any
24 advantage in, a position in the classified service.

25 (4) No employee of the personnel office, examiner, or
26 other person shall defeat, deceive, or obstruct any person in his
27 right to examination, eligibility, certification, or appointment
28 under ~~sections 23-2517 to 23-2533~~ the act, or furnish to any person

1 any special or secret information for the purpose of affecting the
2 rights or prospects of any persons with respect to employment in
3 the classified service.

4 Sec. 15. Section 23-2533, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 23-2533. Any person who willfully violates any provision
7 of ~~sections 23-2517 to 23-2533~~ the County Civil Service Act or of
8 the rules and regulations adopted under ~~sections 23-2517 to 23-2533~~
9 the act shall be guilty of a misdemeanor, and shall, upon
10 conviction thereof, be fined not more than five hundred dollars, or
11 be imprisoned in the county jail for not more than six months, or
12 be both so fined and imprisoned.

13 Sec. 16. Original sections 23-2517 to 23-2520, 23-2522,
14 23-2524 to 23-2527, 23-2531, and 23-2533, Reissue Revised Statutes
15 of Nebraska, are repealed.